

EXECUTIVE DECISION NOTICE**CABINET**

A record of the decisions made at the meeting of the Cabinet held on Wednesday, 21 July 2021, at 10.00 a.m.

Present

Councillors

Robin Ashcroft	Economy, Culture and Leisure Portfolio Holder
Helen Chaffey	Housing Portfolio Holder
Andrew Jarvis	Deputy Leader & Finance and Assets Portfolio Holder
Dyan Jones	Climate Action and Biodiversity Portfolio Holder
Suzie Pye	Health, Wellbeing and Poverty Alleviation Portfolio Holder

Apologies for absence were received from Councillors Jonathan Brook (Leader and Promoting South Lakeland and Innovation Portfolio Holder), Philip Dixon (Customer and Locality Services Portfolio Holder) and David Webster (Leader of the Labour Group)

Also in attendance at the meeting were Shadow Executive Members Pat Bell (Shadow Cabinet (Housing Portfolio)), Roger Bingham (Shadow Cabinet (Economy, Culture and Leisure Portfolio)), Tom Harvey (Shadow Cabinet Leader (Promoting South Lakeland and Innovation Portfolio)), John Holmes (Shadow Cabinet Deputy Leader (Finance and Assets Portfolio)), Kevin Holmes (Shadow Cabinet (Climate Action and Biodiversity Portfolio)), Helen Irving (Shadow Cabinet (Health, Wellbeing and Poverty Alleviation Portfolio)) and Janette Jenkinson (Shadow Cabinet (Customer and Locality Services Portfolio)).

Officers

Gareth Candlin	Operational Lead Specialist Services
John Davies	Case Management Officer
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Gillian Flowers	Procurement Specialist
Adam Moffatt	Legal, Governance and Democracy Specialist
Claire Read	Finance Specialist
Fraser Robertson	Communications Specialist
Simon Rowley	Director of Customer and Commercial Services
Paul Scullion	Asset and Commercial Services Manager
Helen Smith	Finance Lead Specialist (Section 151 Officer)
David Sykes	Director of Strategy, Innovation and Resources

CEX/15 CABINET EXECUTIVE DECISIONS

No Member having raised concern when asked by the Chairman, it was

RESOLVED – That the Chairman be authorised to sign as a correct record, the Executive Decisions made by Cabinet on 23 June 2021.

CEX/16 DELEGATED EXECUTIVE DECISIONS

No Member having raised concern when asked by the Chairman, it was

RESOLVED – That the Delegated Executive Decisions made by Portfolio Holders or Officers on 20 May 2021.

CEX/17 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that:-

(1) Councillor Ashcroft declared an Other Registerable Interest in relation to Agenda Item No. 13 – Kendal Futures Funding Agreement, by virtue of the fact that although not part of the Community Interest Company, he was a member of the Kendal Futures Board, having been appointed by South Lakeland District Council to that role. He explained that, whilst he had no financial interest, he would leave the meeting prior to discussion and a vote being taken.

CEX/18 EMERGENCY DELEGATED EXECUTIVE DECISIONS

No Member having raised concern when asked by the Chairman, it was

RESOLVED – That the Emergency Delegated Executive Decisions made by the Chief Executive on the following dates:-

***21 December 2020;
8 April 2021; and
2 July 2021***

in accordance with the Leader's decision noted by Cabinet at CEX/104 (2019/20), be received.

CEX/19 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

No Member having raised concern when asked by the Chairman, it was

RESOLVED – That the item in Part II of the Agenda be dealt with following the exclusion of the press and public.

CEX/20 PUBLIC PARTICIPATION

No questions, representations, deputations or petitions had been received in respect of this meeting.

CEX/21 FORWARD PLAN

No Member having raised concern when asked by the Chairman, it was

RESOLVED – That the contents of the Forward Plan published on 22 June 2021, be noted.

CEX/22 LOCAL GOVERNMENT REFORM

The Deputy Leader and Finance and Assets Portfolio Holder provided a verbal update on Local Government Reform. He explained that the Council was awaiting a decision from the government which was due to be issued by the Secretary of State on 21 July 2021. He informed Members that a report would be prepared for the 27 July 2021 Council meeting and highlighted that the Council remained committed to delivering services and providing support to the community as change proceeded.

CEX/23 COUNCIL PLAN PERFORMANCE MONITORING REPORT QUARTER 1 2021/22**Summary**

The Health, Wellbeing and Poverty Alleviation Portfolio Holder presented an update report on progress with the Council Plan 2021-2026 for Quarter 1 of 2021/22. Monitoring the success of the Council Plan informed of improvements and ensured that Council services addressed the needs of residents in an open and transparent way. The Council was committed to delivering high quality, cost effective services that met the needs of residents and improved quality of life. The performance management process helped the Council to demonstrate how well it was going. The report also included the Council's Strategic Risk Register.

The Health, Wellbeing and Poverty Alleviation Portfolio Holder informed Members that the updated Council Plan had been adopted by Council on 23 February 2021. She added that the plan retains the vision of "South Lakeland as the best place to live, work and explore".

Members requested that any future statistical analysis as part of Council Plan Performance Monitoring Reports be presented in a graphical format to help highlight trends to members and present a clearer picture of any progress made.

Further discussion raised a question relating to Town View Fields Hostel in Kendal and the increasing figures linked to homelessness. The Director of Customer and Commercial Services informed Members that Town View Fields was a space for limited temporary accommodation but that the Council was committed to working with partners to accommodate people. He referred to the significant increase in the number of homeless people and highlighted the Council's commitment to preventing people from becoming homeless.

The Director of Customer and Commercial Services added that the Council had secured a number of additional units in Kendal and Grange to accommodate the increase in homeless people and reiterated the Council's commitment to preventing people from becoming homeless.

Members expressed how proud they were of the officer and member response to the ongoing Covid-19 Pandemic which had ensured that the overall strategic objectives of the Council had been pursued throughout the pandemic.

Decision

RESOLVED – That the following be noted:-

- (1) the Summary of Performance as detailed in the report;***
- (2) the detailed risks information contained within Appendix 1; and***
- (3) the detailed Business and Economy Statistics in Appendix 2.***

Reasons for Decision

Performance Monitoring underpins service delivery and provides good value for money. Performance Monitoring supports the delivery of all four Council Plan Priorities.

Alternative Options Considered and Rejected

No alternative options – the purpose of the report is to receive a performance update. The Council must note successes, monitor progress and take action where appropriate.

CEX/24**DRAFT MEDIUM TERM FINANCIAL PLAN 2021/22 - 2026/27****Summary**

The Deputy Leader and Finance and Assets Portfolio Holder provided a highly detailed presentation on the draft Medium Term Financial Plan (MTFP). The Plan was a key element of the Council's corporate planning framework to ensure that the Council had sufficient financial resources in the short to medium-term to deliver its statutory responsibilities and its Council Plan priorities.

Due to the impact of Covid-19, the report included high-level projections based on the information as at early July 2021. The projections would be regularly reviewed and report during the 2021/22 budget preparation process. The Council was required by statute to set a balanced budget in February/ March 2022.

The Plan ensured that the Council had a sound basis for allocating resources and effective financial management over the medium term.

Discussion took place on the potential for legacy money as a result of Local Government Reform (LGR), concerns about the length of time it may take to conclude LGR and residents praise for the Council and Government for issuing funds to ensure their businesses could remain trading despite the impact of the ongoing Covid-19 pandemic. Members thanked officers across the Council for their hard work to ensure that the Council found itself in a strong financial position going forwards.

Decision**RESOLVED – That:-**

- (1) the proposed Medium Term Financial Plan be recommended to Council for approval;**
- (2) a budget of £250,000 to fund work associated with Local Government Reorganisation be recommended to Council for approval; and**
- (3) the Grant funding associated with the Welcome Back Fund be accepted and the increased budgets of £217,000 be recommended to Council for approval.**

Reasons for Decision

The decision will ensure that the Council has sufficient financial resources in the short to medium term to delivery its statutory responsibilities and its Council Plan priorities. This will be done through ensuring financial resources to deliver priority.

Alternative Options Considered and Rejected

The assumptions forming the MTFP could be amended. This is not recommended, as the proposals are regarded as the most appropriate option when considered against the need to secure financial resilience and deliver the Council Plan priorities.

CEX/25**PROCUREMENT STRATEGY 2021-2026****Summary**

The Deputy Leader and Finance and Assets Portfolio Holder, reported that the Council's previous procurement strategy was a combined Sustainable Commissioning and Procurement Strategy which has since been separated into two separate documents with the Commissioning Strategy being approved by Council in 2020 with the Procurement Strategy as a companion piece.

The pressure of the Covid-19 pandemic have reinforced the requirement for the Council to seek Value for Money from their procurement process as well as accountability over being fair and transparent with any invitations to tender. Furthermore, the Strategic Council Plan Priorities mean that there is a shift toward a holistic view of the outcomes of procurement, taking into account sustainability, net carbon neutrality and localism.

During discussion on the item, Members expressed their approval for the report and recognised the importance of social value assessments during the procurement process.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) informed Members of the following questions and points raised by the Overview and Scrutiny Committee:-

What does success look like for Social Value?; and

How will this be measured and how can we know if we have done well in assessing the social value in procurement?

In addition, the Overview and Scrutiny Committee requested that a progress report on how the assessment of social value had progressed in 12 months' time.

Decision

RESOLVED – That the Procurement Strategy be recommended to Council.

Reasons for Decision

It is expected that Council will ensure Value for Money in the provision of services and improve the efficiency of its procurement activities.

Alternative Options Considered and Rejected

The only alternative would be to not adopt an updated Procurement Strategy. The 2019 version of the Sustainable Commissioning and Procurement Strategy no longer reflects the Council Plan Priorities and the direction of travel with regards to social value and Zero Net Carbon ambitions.

CEX/26 KENDAL FUTURES FUNDING AGREEMENT

Note – Councillor Robin Ashcroft left the room at this point in the meeting as he declared an Other Registerable Interest at CEX/4. He did not take part in the discussion or voting on the item.

Summary

The Deputy Leader and Finance and Assets Portfolio Holder introduced the Kendal Futures Funding Agreement report. He explained that through a revision of the Cabinet decision of the 8 December 2020 (CEX/104), relating to the funding package for Kendal Futures, they will be able to contract a vision manager to progress the implementation of Kendal Vision and elements of the Town Centre Strategy.

The development of projects which delivered the Vision and Strategy would be taken forward through the town team in preparation of a Levelling Up fund application, together with a further range of complementary projects to be identified and developed by Kendal Futures.

During discussion on the item, the Operational Lead (Specialist Services) undertook to provide information relating to Kendal Futures including how much money had been spent on the plan for Kendal, what has been achieved and how Kendal Futures planned to address the issues faced by Kendal high street.

Decision

RESOLVED – That:-

- (1) the amendment to the approach to supporting and partnering with Kendal Futures CIC on the delivery of Kendal Vision be approved;***
- (2) delegated authority to the Director of Customer and Commercial Services, in consultation with the Legal, Governance and Democracy Lead Specialist and Finance Lead Specialist be approved to put in place the necessary legal***

agreements to enable the funding of the Kendal Vision Manager and conditional upon the delegated approvals relating to the funding of projects development to enter into legal agreements accordingly and manage any risks face by the Council; and

(3) delegated authority to the Director of Customer and Commercial Services in consultation with the Leader of the Council (or Deputy Leader) to approve and amend a schedule of projects for which the development funding may be used.

Reasons for Decision

This proposal links positively to all priorities in the Council Plan. It will help deliver towards South Lakeland's vision to be the best place to live, work and explore, and is seen as central to the Council's efforts in aiding economic and town centre recovery.

It will directly deliver towards SLDC's Kendal Town Centre Strategy and also feed constructively into the Local Plan Review. It will improve the health of our high streets and help retain younger people in the area, both of which have been identified as key priorities through SLDC's Economic Renewal Group, set up in response to Covid-19.

A vibrant, prosperous Kendal is important not only for South Lakeland but within the context of the wider Morecambe Bay area. This proposal is important in how it can help deliver towards many of the objectives in the Morecambe Bay Prosperity & Resilience Strategy.

Delivery of the Kendal Vision will help ensure the vibrancy and attractiveness of Kendal as a place to live, work and visit. It will provide new and enhanced employment space, more affordable and energy efficient town centre housing, as well as more social spaces and places for people's wellbeing and enjoyment. It will bring development and investment and help improve job and housing opportunities, in turn helping to tackle inequality and poverty faced in the area.

This proposal will also help deliver a more sustainable approach to our town centres. South Lakeland was the first Council in Cumbria to declare a climate emergency and a key focus of both the Town Centre Strategy and Vision is to reduce carbon emissions and make our town centres more habitable, minimising car journey times, stimulating sustainable development of homes and workspaces, creating more open spaces and incorporating greater greenery into our public places.

Alternative Options Considered and Rejected

Not to provide Council investment into the delivery of Kendal Vision. This would mean the project would be unlikely to progress as there is no alternative funding identified to take it forward. The private sector, while strongly supportive, is not in a position at this time to fund it due to the financial impact of Covid-19 on their businesses. Without SLDC's financial commitment this work would not progress which would mean the Council also failing to deliver on the aspirations set out in its Kendal Town Centre Strategy.

To provide a reduced level of investment in terms of value and/or duration. Any reduced contribution is felt to be insufficient and not suitably ambitious to drive forward the level of change needed. The recommended approach will provide momentum and longevity, increasing the likelihood of generating additional investment and becoming sustainable in the longer-term.

Not to work collaboratively and focus only on SLDC's Kendal Town Centre Strategy, disregarding the Kendal Vision. This would jeopardise delivery and reduce its chances of success, missing the opportunity to embrace the additional, expertise and weight of support that the Kendal Vision can offer.

Note – Following the conclusion of this item Councillor Ashcroft re-joined the meeting.

CEX/27

REGULATION OF INVESTIGATORY POWERS ACT 2000 ANNUAL REVIEW - 2021/22

Summary

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) presented a detailed report on the annual review of the operation of the Council's surveillance policies and practices under the Regulation of Investigatory Powers Act 2000 (RIPA).

The report indicated that between 1 April 2020 and 31 March 2021, there had been no applications for authorisation for Directed Surveillance or use of Covert Human Intelligence Source, nor had there been any live authorisations or applications for authorisation at the date on which the report had been submitted. There had also been no non-RIPA authorisation requests.

The review had taken into account the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR). In addition, as part of the review, relevant officers had confirmed that the Council's CCTV Policy had been adhered to throughout the period.

The report further outlined that the Monitoring Officer planned to roll out an E-Learning package during 2021.

Decision

RESOLVED – That the review of the operation of the Council's policies and procedures as regards RIPA for the year's 2020-2021 be noted.

Reasons for Decision

The Regulation of Investigatory Powers Act 2000 Annual Review cuts across all four Council Plan Priorities.

Alternative Options Considered and Rejected

The review has been undertaken to comply with legislation and the report is presented for information and note. An alternative option is not presented.

CEX/28

CUMBRIA CHOICE BASED LETTING RUN CONTRACT AND PARTNERSHIP AGREEMENT

Note - The Chairman of the Overview and Scrutiny Committee had been notified that the making of the decision detailed below is urgent and cannot reasonably be deferred. It is intended that Cabinet will take a Key Decision regarding the Cumbria Choice Based Letting Run Contract and Partnership agreement at its meeting on 21 July 2021. The decision is urgent and cannot reasonably be deferred as the aim of the Board and

its partners is to enter into the new contract on 30 July 2021 with a communication plan delivered and ready for a go live date of September 2021. After the Cabinet meeting, if the Key Decision is made, under paragraph 16(j) of the Overview and Scrutiny Procedure Rules within Part 4 of the Council's Constitution, call-in shall not apply.

Summary

The Housing Portfolio Holder introduced the Cumbria Choice Based Lettings (CCBL) Run Contract and Partnership Agreement report. She explained that the CCBL is a partnership comprising the 6 housing authorities in Cumbria and 6 housing associations which enables local authorities to hold a housing register, users to seek accommodation using a single application, and providers to allocate properties.

The Council had been consulted on the changes proposed to CCBL Policy with the proposed contract being currently out for consultation with all partners and their officer teams. The current contract is provided by Civica and officers had agreed an extension to the current contract to ensure continuity of customer service to our customers with the aim of the CCBL Board and its partners being to enter into the new contract on 30 July 2021 ready for a go live date of September 2021.

Decision

RESOLVED – That:-

- (1) delegated authority to enter into the run contract with the selected provider be given to the Housing Portfolio Holder, the Director of Customer and Commercial Services and the Legal, Governance and Democracy Lead Specialist; and***
- (2) delegated authority to enter into a new partnering agreement with the partners in light of the new contracts be given to the Housing Portfolio Holder, Director of Customer and Commercial Services and the Legal, Governance and Democracy Lead Specialist.***

Reasons for Decision

This decision will contribute towards the following Council priorities:-

- Working across boundaries;
- Delivering a balanced community; and
- A Fairer South Lakeland.

The improvements to the Cumbria Choice Based Letting system will directly impact on customers accessing Housing Services for accommodation. It will enhance the current service provided.

Alternative Options Considered and Rejected

To do nothing is not an option, the Board identified a need to procure a new platform and support and maintenance contract. This will ensure that our customers can confidently use the system to access housing services.

CEX/29 PRESS AND PUBLIC

RESOLVED - That, under Section 100(A)(4) of the Local Government Act 1972, the press and public, be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraphs indicated.

CEX/30 PROPERTY SERVICES CONTRACT

- *Paragraph 1, 3, 5 - Information relating to any individual.*
- *Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

Note - The Chairman of the Overview and Scrutiny Committee has been notified that the making of the decision detailed below is urgent and cannot reasonably be deferred. It is intended that Cabinet will take a Key Decision regarding the Review of the Property Service Contract at its meeting on 21 July 2021. Please note this item was on the Forward Plan in January 2021 (5th January 2021) The decision is urgent and cannot reasonably be deferred as there are decisions to be taken to adhere to timescales set out within the Contract. After the Cabinet meeting, if the Key Decision is made, under paragraph 16(j) of the Overview and Scrutiny Procedure Rules within Part 4 of the Council's Constitution, call-in shall not apply.

Summary

The Deputy Leader and Finance and Assets Portfolio Holder presented the report which detailed the proposal for the future delivery of the Property Services Contract. He explained that in October 2016 the Council entered into a 5 year agreement with the current provider and that this agreement had come to a natural expiration. He set out the options which had been considered, including contract extension, and the officer recommendation to bring the service in house.

Members expressed their support for the proposals and felt that the proposal had been carefully considered by officers.

Decision**RESOLVED – That:-**

- (1) the submission attached at Appendix 1 by the current provider for a contract extension for 5 years be noted and the submission be declined for the reasons outlined within the report;***
- (2) the property services currently undertaken by the provider, be undertaken by the Council effective from 1 October 2021 and be approved by Cabinet;***
- (3) all matters relating to the insourcing of property service including but not limited to the staffing implications and TUPE be delegated to the Director of Customer and Commercial Services, in conjunction with the Operational Lead for Delivery and Commercial Services, Legal, Governance and Democracy Lead Specialist and Human Resources Lead Specialist;***

- (4) consultation commencing with all staff affected and with trade unions with a view to a timely transition back to the Council which ensure business continuity and manages risk, including consultation as required on Transfer of Undertakings (Protection of Employment) Regulations 2006;***
- (5) the consideration and details of the future in house management structures these having been reported to the Human Resources Committee be delegated to the Director of Customer and Commercial Services and the Chair of the Human Resources Committee; and***
- (6) the use of the current provider through the frameworks from time to time and as appropriate be agreed.***

Reasons for Decision

The Cabinet having considered the detailed report, Local Government Reorganisation and best value considerations. In addition to the contract expiring and only making provision for a new 5 year term it was considered in the best interests of the Council to bring the services back in house.

Alternative Options Considered and Rejected

To neither extend nor bring the service in-house and to re-tender the property services contract. This is not recommended when taking into account the cost to re-tender and performance of the property services contractor does not warrant a re-tender.

To extend the current contract. This is not recommended when taking into account the savings proposed, the benefit of having the property services team working on the SLDC portfolio 100% of their time and the commercial opportunity this may bring the Council.

The meeting ended at 11.15 a.m.